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The Offender and the Victim

Edward Tromanhauser*

Much has been written about crime from the perspective of the victim. This essay examines the other side of that relationship, the perspective of the offender. The examination is limited to predatory crimes against property, and explores the profile, *modus operandi*, motives, and thought processes of offenders who steal and rob.

I. INTRODUCTION

Millions of our country's citizens become victims of crime each year. In the majority of these crimes, no direct confrontation occurs between the victim and the offender, however, the trauma suffered by the victim can still be devastating. Returning home to find one's personal belongings gone, or in partial or total disarray from a burglar's frantic search, leaves the victim feeling violated, exposed, and unsafe.

The sense of violation and loss of security are much greater in victim-confrontation crimes, and are maximized in crimes involving physical assault and injury. Whether the crime is one of burglary, theft, robbery, or assault, most victims experience losses beyond those of property, dignity, and self-esteem.

Many victims of such crimes have wondered, if only briefly, what would motivate an offender to commit a crime. A burglary victim may conjure up a frightening image of the person or persons who plundered her home, while a robbery victim may wonder what kind of person could coldly aim a gun or press a knife against the throat of another human being. This article attempts to answer some of these questions. The focus will be on two frequently occurring predatory offenses: burglary and robbery.

Section II provides a profile of property crime offenders. Based on victimization studies, arrest records, and conviction records, if one is

* Associate Professor of Criminal Justice, Chicago State University; M.A., University of Illinois, 1975; B.A., Chicago State University, 1972. Professor Tromanhauser is an ex-offender who burglarized and robbed commercial establishments.

burglarized or robbed, a high probability exists that the offender or offenders will closely match the profile gleaned from these records.

Sections III and IV examine the *modus operandi* of the burglar and the robber, respectively, while section V examines the thought processes of offenders, vis-à-vis their victims.

II. OFFENDER PROFILES

The following profiles concern "street crimes," or predatory property crimes. These crimes, along with sexual crimes and homicides, are of great concern to the general public because of their severe impact on individuals. Included among predatory property crimes are armed and unarmed robbery, physical assault, burglary, and various forms of theft, such as purse snatching and automobile theft.

A predatory crime may be defined as any illegal act in which someone intentionally takes or damages the property of another or assaults the person of another.¹ These are the crimes that fill the newspapers and police records, and the crimes which stir the public to demand action from state and political leaders.

The majority of predatory offenders are young, male, and undereducated; they lack marketable job skills, are unemployed or marginally employed, and are from lower socioeconomic classes.² In urban areas, most predatory offenders are members of minority groups, primarily black, with a growing percentage of Hispanics. An ever-increasing number of these offenders are members of what has been described as the new "permanent underclass," a group within our society that appears permanently trapped at the bottom, without much hope of emerging. They are the children, or children's children, of those who have been dependent upon welfare for one or more generations. One driving force behind the development of the underclass is the disappearance of entry-level jobs requiring nothing but a pair of hands and a willingness to work. An additional factor is the set of attitudes and values prevalent within the underclass, which views low paying, menial labor as either degrading or not worth the effort.³

Psychologists suggest that a substantial proportion of youthful predatory offenders are also products of dysfunctional families, regardless of socioeconomic class. These offenders are generally products of poor parenting or no parenting. The adult role figures in

1. See generally D. GLASER, CRIME IN OUR CHANGING SOCIETY (1978).

2. See generally J. CHAIKEN & M. CHAIKEN, VARIETIES OF CRIMINAL BEHAVIOR (1982); Bynum, Cordner & Greene, *Victim and Offense Characteristics: Impact on Police Investigative Decision-Making*, 20 CRIMINOLOGY 301 (1982); Lamb, *Patterns of Offending in Urban and Rural Areas*, 11 J. CRIM. JUST. 129 (1983).

3. See generally S. WALKER, SENSE AND NONSENSE ABOUT CRIME: A POLICY GUIDE (1985).

their lives tend to be alcoholics or drug abusers, mentally ill, or psychologically disturbed. Some offenders are also inadequate parents because they, themselves, were poorly parented, or because they are so overwhelmed by their own problems that they have little energy or interest left for their children. Finally, many of these offenders were abandoned or neglected by their parents and are thus products of foster homes.⁴

These descriptions fit the majority of young predatory offenders who are arrested and convicted for crimes against property. According to one authority, about an eighty percent chance exists that the offender who victimizes will fit the majority of characteristics in this profile.⁵ There are, of course, other types of predatory offenders. They are the older, more professional criminals who commit burglaries and robberies. They tend to be more skilled and sophisticated, and their targets usually are chosen more carefully. They fully assess the risks and weigh them against the potential maximum gain. Their attention is focused on large commercial establishments such as financial institutions, jewelry and fur stores, supermarkets, and the homes of the wealthy. They rarely commit garden-variety predatory crimes such as street robbery or burglarizing small stores or the average home. The risks are simply too great and the profits too small.

III. BURGLARY

Home burglaries are generally committed by young males between the ages of fourteen and thirty.⁶ Targets are selected at random based on familiar indicators that no one is at home. Repetto's study of residential burglary indicates that these offenders are looking for unoccupied single-family dwellings with easy access, no dogs or alarm systems, located in areas where the burglars "fit in," and where it appears that the owners are affluent.⁷ While most burglars do not expect anyone to be in the home, the "cat burglar" is an exception. This individual enters a dwelling at night, relying upon stealth to avoid awakening sleeping residents and upon speed to make an escape if detected. Because of the danger of victim confrontation, night home burglars are known to be more dangerous than day burglars.

4. See generally N. ACKERMAN, *THE PSYCHODYNAMICS OF FAMILY LIFE* (1958).

5. See generally J. CONKLIN, *ROBBERY IN THE CRIMINAL JUSTICE SYSTEM* (1972).

6. See generally N. SHOVER, *BURGLARY AS AN OCCUPATION* (1971).

7. See generally T. REPETTO, *RESIDENTIAL CRIMES 1-16* (1974).

In fact, an estimated one in four of these night prowlers will be armed with some sort of weapon which will be used for protection and escape.⁸

Some very young burglars, who usually live in the immediate neighborhood, initially commit home burglaries for the thrill or "kicks" involved. They often will take nothing of real value. In such burglaries, the police report may list the following items taken: a clock radio, two bottles of liquor, a child's piggy bank, and food from the refrigerator. Such a list is a pretty good indication that teenagers from the immediate area committed the burglary.

The typical home burglar seeks cash and objects which can be easily converted to cash, such as electronic appliances, jewelry, clothing, and firearms. Many law enforcement authorities believe that the majority of firearms used in the commission of crimes initially were obtained from home burglaries. In fact, if firearms are in the home, they almost always are taken since they can be easily sold.

Offenders which burglarize homes may also target small businesses in their community. Such offenders tend to avoid difficult targets and are not likely to attempt to burglarize an establishment with an alarm system. Small businesses assessed as vulnerable targets include grocery stores, drugstores, gas stations, dry cleaning establishments, and liquor stores. These businesses are almost always attacked at night.

Older and more accomplished burglars usually specialize. Some concentrate on affluent residential areas which have been targeted based upon information received from domestics, gardeners, and delivery persons. For example, word that a particular individual keeps large amounts of cash at home, or possesses other highly valuable items in the home, may result in the house being targeted. Other experienced burglars concentrate on selected commercial establishments such as banks, loan companies, supermarkets, furriers, and jewelers. In most instances, the burglar is fully prepared to tackle the job of opening a safe or vault. Having mastered a particular mode of operation, the professional burglar establishes a pattern which focuses on either homes or commercial targets, and rarely alters that pattern.⁹

8. See generally Langan & Innes, *The Risk of Violent Crime*, BUREAU JUST. STATISTICS SPECIAL REP., May 1985, at 2; *Household Burglary*, BUREAU JUST. STATISTICS BULL., Jan. 1985, at 4-5.

9. See generally T. BENNETT & R. WRIGHT, *BURGLARS ON BURGLARY: PREVENTION AND THE OFFENDER* (1984); B. JACKSON, *OUTSIDE THE LAW: A THIEF'S PRIMER* (1969).

IV. ROBBERY

Robbery is an attractive crime for the young and unskilled. Flash a weapon and demand money. Rarely is the money refused. Victim compliance is key to the crime of robbery, and when it is not achieved, injury to the victim generally results. However, gratuitous violence occurs in about one in three armed robberies, and in an even greater percentage of unarmed robberies.¹⁰ Interviews with offenders indicate that the most likely excuse for such violence is to ensure a successful escape. This usually occurs in a street robbery in which the offender needs a few minutes to escape without fearing that the victim will pursue or quickly summon help.

There are other reasons for unprovoked violence, such as the exercise of power and the feelings associated with this form of dominance. Many young predatory offenders have grown up in a subculture of violence; they see nothing wrong with exercising power through physical assaults. The powerless often feel that they can achieve or experience power only through violence.

It is violence, or the threat of it, that gives robbery its unique character. Consequently, robbery is officially classified as a crime against the person instead of a property crime.

Generally, unarmed robbery results in more violence and victim injury than armed robbery. The victim is more likely to attempt to flee or resist an unarmed robber, and the offender, in turn, is more likely to be overly concerned with maintaining control. Conversely, in an armed robbery, usually involving a gun or knife, the victim is more likely to be compliant, and the offender more confident in controlling the situation.¹¹

As previously mentioned, force may be used by some robbers, armed or unarmed, to temporarily immobilize the victim while the robber escapes. In addition, some robbers state that they use force to set an example, especially in commercial robberies involving multiple victims. They feel that if they strike one victim, the others will "get the message" and be easy to control. As one offender described it, "they know you mean business."¹²

The odds are, however, that most robbers will avoid the use of

10. See generally J. WRIGHT, *THE ARMED CRIMINAL IN AMERICA* (1986); J. WRIGHT & H. ROSSI, *ARMED AND CONSIDERED DANGEROUS: A SURVEY OF FELONS AND THEIR FIREARMS* (1986).

11. See generally Harlow, *Robbery Victims*, BUREAU JUST. STATISTICS SPECIAL REP., Apr. 1987, at 3-4.

12. Preliminary notes by E. Tromanhauser on interviews for H. GRISWOLD, M. MI-

force, other than pushing and shoving, for several reasons. First, the use of force brings greater attention from the media and the police. Second, most robbers understand that the use of force creates attention during the actual robbery and increases the likelihood of apprehension. Finally, most robbers have no particular desire to injure their victims, since all they want is the victim's money or other property. As one robber reasoned, "Look, the burglar uses a crowbar, the checkpasser a pen. I use a gun. It's just a tool to get what I want. But if it means getting caught, or if someone points a gun at me, I'll use it."¹³

In the robbery of commercial establishments, offenders are equally concerned with victim management. In these robberies, victim management takes on two dimensions. The first dimension is the use of surprise to achieve vulnerability. The second dimension is the establishment of authority and the management of tensions. Surprise is expected to lead to vulnerability through shock and confusion, and this, in turn, is expected to lead to the temporary paralysis of the victim.¹⁴

Surprise is relatively easy to achieve. The control and management of the victim are more difficult. What do you do about the hysterical employee, the stubborn cashier, or the hero who may attempt to frustrate the robbery? Most robbers use voice commands, physical presence, and the display of weapons to achieve control. Force is used only if these fail.

In the commission of a robbery, most offenders believe there can be no hesitation. If voice commands and the threat of force do not achieve immediate compliance, they feel they have no choice but to use force. Robberies are completed within a matter of minutes because the offenders do not know if an alarm has been triggered, a customer has slipped out a door, or a passerby has observed the robbery in progress. They assume that once the robbery is in progress, the police may be proceeding to the scene. Thus, time is of the essence. The victim who hesitates, for whatever reason, is likely to be assaulted.¹⁵

The profile of the robber closely parallels that of the burglar. Most robbers tend to be under the age of thirty. As one twice-convicted robber explained, "robbery is a young man's game."¹⁶ Burnout is rapid. The typical robber experiences a few prison sentences, usually of increasing length, and eventually comes to realize that the risks

SENHEIMER, A. POWERS & E. TROMANHAUSER, *AN EYE FOR AN EYE* (1970) [hereinafter Preliminary notes].

13. *Id.*

14. See generally P. LETKEMANN, *CRIME AS WORK* (1973).

15. See generally *id.*

16. Preliminary notes, *supra* note 12.

are high and the profits low. Conversely, a good shoplifter has a low risk of serious penalty and makes more in a year than the typical robber does in a decade.

Most robbers are opportunistic, responding to their immediate needs, the pressures of maintaining a particular lifestyle, or peer pressure. Street robberies frequently are situational events. A victim is alone on a dark, empty street, and the offender or offenders decide to rob the victim at that moment. Favored targets for random street robberies are drunks, women with purses, individuals standing by disabled vehicles, and strangers who look as if they do not belong in the area or who obviously are lost.¹⁷

In his book, *Crime as Work*,¹⁸ Peter Letkemann discussed with robbers the way they seek targets. They seemingly rely heavily on visual cues. The following chart¹⁹ summarizes the assessment of vulnerability on a continuum from easy target to hard target.

| <u>Offender Assessment of Vulnerability</u> | |
|---|---------------|
| Easy | Hard |
| elderly | young |
| female | male |
| handicapped | agile |
| naïve | sophisticated |
| drunk | sober |
| distracted | alert |
| employees | owners |

Young and naïve robbers usually are the ones who will target small businesses open at night. Favored targets are gas stations, fast-food restaurants, and small grocery stores. The young robber is usually low on funds and decides to commit the robbery just prior to the event. The actual robberies are unplanned, haphazard affairs, which make them very risky and unprofitable. Our nation's prisons are full of these offenders, many of whom, unfortunately, will re-enter society more criminally sophisticated in their practice than when they entered the institution.

V. THE OFFENDER'S ATTITUDE TOWARD THE VICTIM

Much has been written about victims, their attitudes, and their ex-

17. See generally P. LETKEMANN, *supra* note 14.

18. *Id.*

19. Adapted from summation of material in P. LETKEMANN, *supra* note 14.

periences. However, little has been written about the offender's attitudes toward the victim. Although police officers and correctional personnel experienced in dealing with offenders often possess considerable insight into the thought processes of offenders, this knowledge is rarely explicated in the literature. Further, the offenders themselves generally have been a poor source of information for a variety of reasons.

First, few investigators actually ask the offenders about their feelings and attitudes toward their victims. Second, many offenders are inarticulate and lack introspective abilities. The typical response from an offender concerning why he committed the crime is a shrug and an, "I don't know." If the questioning progresses to the offender's feelings or attitudes toward the victim, once again, the typical response is a shrug and an, "I don't know," or "I never gave it any thought." Third, most property offenders do not, even when prompted, express concern or remorse following arrest and conviction. Often, they express remorse only before a parole board considering their release from custody and, even then, in a pro forma manner. The parole board expects such an expression of remorse, which often assists the prisoner in gaining release. Fourth, many offenders are unable to express their feelings or concerns for their victims because they block out or repress such concerns as a defense mechanism in order to maintain some semblance of self-worth and self-esteem. Finally, some offenders display, both publicly and privately, a completely callous indifference to the suffering and trauma of victims because they really never gave the victim any thought. In fact, they would consider it a weakness to do so. The victim is an object to be utilized—a means to an end.²⁰

How can offenders be so indifferent to the experiences of victims? Unfortunately, an examination of this issue must deal in generalities. Attempting to explain the behavior and thought processes of individual offenders is as difficult as attempting to explain the behavior of the general population. The behavioral and social sciences are presently unable to explain these phenomena as they lack specific knowledge about human behavior. Since criminal behavior is a small subcategory of human behavior, progress must be made in the larger area before greater understanding can be found in the subcategory.²¹

However, society in general does possess some knowledge regarding criminal behavior. For example, an overwhelming weight of empirical evidence supports the notion that the moral judgment of

20. See generally J. WILSON & R. HERRNSTEIN, *CRIME AND HUMAN NATURE* (1985).

21. See generally J. CORTES & F. GATTI, *DELINQUENCY AND CRIME* (1972); L. RADINOWICZ & J. KING, *THE GROWTH OF CRIME: THE INTERNATIONAL EXPERIENCE* (1977); J. WILSON, *CRIME AND PUBLIC POLICY* (1983).

offenders is less advanced than that of nonoffenders,²² but this evidence does not mean that immature moral reasoning is the root cause of criminal behavior. Rather, the evidence supports the more modest claim that moral reasoning of increased maturity has an insulating effect concerning criminal behavior.

According to the standard paradigm based on the work of Jean Piaget,²³ an individual's sense of moral values appears to develop in a series of stages throughout childhood and early adolescence. As individuals mature and expand in social intelligence, a set of appropriate societal values is internalized to a greater or lesser degree in each individual. Society does not expect the same moral judgment and moral behavior from a young child that it expects from an adult. But what does society expect from an adult operating on the same moral plane as a child?

Whether a juvenile or an adult, an offender's moral stance and actions often are based on an understanding that this is a "dog-eat-dog" world in which one must assume that other people will take advantage of an individual if they think they can get away with it. This can lead to associations with like-minded peers and to antisocial acts that become self-reinforcing.²⁴

This particular moral stance is shaped by a process of acculturation. Here, society faces almost insurmountable problems since much of the acculturation process takes place at the micro-level of one's family, peers, and neighborhood. Unfortunately, it is difficult for society, through its agents, to adequately intervene at this level. A substantial portion of offenders, particularly incarcerated offenders, are products of subcultures which develop moral values at odds with those of society. The products of these subcultures possess a world view which accents attitudes, values, and, subsequently, behavior, which can only be viewed as criminogenic.²⁵

Offenders focus on the use of physical power to dominate and control. The young are prey for the older, the weak are prey for the

22. See generally W. LAUFER & J. DAY, *PERSONALITY THEORY, MORAL DEVELOPMENT, AND CRIMINAL BEHAVIOR* (1983).

23. See generally J. PIAGET, *THE MORAL JUDGMENT OF THE CHILD* (M. Gabain trans. 1965).

24. See generally Irwin & Cressey, *Thieves, Convicts, and the Inmate Culture*, in *THE SOCIOLOGY OF CORRECTIONS: A BOOK OF READINGS* (R. Leger & J. Stratton ed. 1977).

25. See generally H. VON HENTIG, *CRIME: CAUSES AND CONDITIONS* (1947); Eliot & Huizinga, *Social Class and Delinquent Behavior in a National Youth Panel: 1976-1980*, 21 *CRIMINOLOGY* 149 (1983).

strong. Offenders obtain what they want from the threat of violence or the use of violence. As offenders grow up in this subculture of violence, they are, at various times, both the victim and the victimizer. They come to understand that this is the way of the world. Entering the world of crime, merely extends offender's subcultural values and behavior to the criminal milieu. Offenders take what they want if they are capable of doing so, using violence whenever it is deemed appropriate, or whenever it can be used to achieve an end.

Coupled with this emphasis on violence is the internalization of a concept of appropriate masculinity. The macho image, so heavily accented in blue-collar, working-class subcultures, is even more heavily emphasized in Hispanic and black working-class subcultures. These groups produce a majority of predatory offenders. The macho perspective emphasizes strength and derides weakness. The offenders are perceived as strong, bold, adventurous, and masculine. In contrast, the victims, whether present, as in a robbery, or absent, as in a burglary, are seen as weak, vulnerable, and easy targets.²⁶

Many predatory offenders express contempt for victims. Walking the prison yards, one hears victims described as "fools," "chumps," "sissies," "squares," "tricks," and "suckers." Such pervasive attitudes leave little room for empathy or sympathy for victims. If empathy implies the ability to put oneself in the shoes of another, and victims are considered weak and ineffectual fools, it is easy to understand why so many predatory offenders with internalized distorted concepts of masculinity fail to empathize with their victims. To do so would put at risk their perceptions of themselves as strong and masculine. Additionally, if sympathy implies elements of condolence or agreement, many predatory offenders will block out such feelings as inappropriate or ego-threatening. Theories attempting to explain the development of criminal behavior almost always have the conscience as a central concept. The faulty development of one's conscience, which in Freudian terms is a faulty superego, is almost always found in literature dealing with the etiology of crime. Closely allied with the human conscience are the feelings of guilt and the responsibility for one's actions. However, typical predatory offenders perceive that these difficulties are not of their own making and, because they are not at fault, they feel no sense of responsibility toward others. They can remain relatively free of guilt and remorse, projecting an image

26. See generally M. HASKELL & J. MCKINLEY, CRIMINOLOGY, CRIME AND PERSONALITY 134-35 (1978); Glueck, *Ten Years of Unraveling Juvenile Delinquency: An Examination of Criticisms*, 51 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 283 (1960); Roe, *The Adult Adjustment of Children of Alcoholic Parents Raised in Foster-Homes*, 5 Q.J. STUD. ON ALCOHOL 378 (1944); Rosen, *Matriarchy and Lower Class Negro Male Delinquency*, 17 SOC. PROBS. 175 (1969).

of callous disregard for others.²⁷

These are, of course, rationalizations. Since society in general rationalizes its own actions to some degree, it is not surprising to learn that offenders are very adept at using this technique. The offenders, often part of a minority group, generally place the blame for their actions squarely on society. This is true even though the majority of minorities do not commit predatory crimes; indeed, most of the victims of predatory crimes are of the same race or ethnic group as the offender. The offender's perception is that everyone steals, cheats, and robs in one way or another. Thus, the offender was just doing what everyone else was doing, except that the offender was unlucky enough to get caught.

If the victim had not returned home during the burglary, violence would not have been necessary. It was fate, pure dumb luck; therefore, the offender need not assume responsibility or feel guilty. If the robbery victim had not panicked, there would have been no need to shoot. It was chance, the roll of the dice—not the responsibility of the offender. These are examples of an offender's use of rationalization and denial to attempt to screen out disagreeable thoughts and feelings of guilt.²⁸

Are the thought processes described above alien to the normal person? No. They are normal in the sense that everyone is capable of exercising such processes, and of translating them into actions. Latent violence is contained within all persons. Under specific circumstances, anyone is capable of unconscionable actions. Take, for example, the attitude displayed by the typical offender regarding the victim as being a "chump" or "fool." Unscrupulous businessmen, whether they are used car dealers, small loan company operators, auto mechanics, or appliance repairmen—the so-called "rip-off artists"—who take advantage of naïve customers, habitually use such terms as "hicks," "marks," and "chumps," when referring privately to some of their customers. To belittle the customer-victim is to assuage the conscience by rationalizing that the "marks" would only get taken farther down the street anyway, and that these customer-victims were "born to be taken"!

As Erich Fromm has pointed out, history is replete with the most horrifying acts, committed without guilt or remorse.²⁹ Given the ap-

27. See generally Block & Block, *The Role of Ego Control and Ego Resiliency in the Categorization of Behavior*, 13 MINN. SYMP. ON PSYCHOLOGY 1435 (1979).

28. See generally J. WILSON & R. HERRNSTEIN, *supra* note 20.

29. See generally E. FROMM, *THE ANATOMY OF HUMAN DESTRUCTIVENESS* (1973).

propriate circumstances, anyone could suspend his conscience, deny his responsibility, and suppress his guilt. Unfortunately, an ongoing record exists of "ruthless and indiscriminate killing and torture, whose victims were men, women, and children. Many of these occurrences give the impression of orgies of destruction, in which neither conventional nor genuinely moral factors had any inhibitory effect."³⁰

30. *Id.* at 270-71.